

part, variously: "Trojan Brand Creamery Butter Packed Expressly for The Lawlor & Cavanaugh Company"; "Clover Springs Select Cream Country Roll Butter \* \* \* Distributed By Paul A. Schulze Co., St. Louis, Mo. One Pound Net"; "1 Lb Net Weight No. 773."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as defined and required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged with respect to portions of the article for the reason that the statement "Butter", borne on the package labels, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat; whereas it was not butter as defined by law, but was a product containing less than 80 percent by weight of milk fat.

On October 10, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$300.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24183. Adulteration and misbranding of canned chicken. U. S. v. 300 Cases and 299 Cases of Canned Chicken. Decree providing for release of product under bond to be relabeled. (F. & D. no. 30038. Sample nos. 29255-A, 29256-A.)**

This case involved an interstate shipment of canned chicken which was found to contain packing medium (broth) in excess of the amount necessary for proper processing. The product fell below the standard established by the Secretary of Agriculture and was not labeled to indicate that it was sub-standard.

On April 1, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 599 cases of canned chicken at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 28, 1933, by the Washington Cooperative Egg & Poultry Association, from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Lynden Brand Boneless Roast Chicken Breast and Legs."

The article was alleged to be adulterated in that broth had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for the article.

Misbranding was alleged for the reason that the statement "Boneless Roast Chicken" was false and misleading and deceived and misled the purchaser, when applied to canned chicken containing excessive packing medium. Misbranding was alleged for the further reason that the article was canned food and failed to meet the standard for fill of container established by regulation of this Department, since the packing medium exceeded that necessary for proper processing.

On March 11, 1935, the Washington Cooperative Egg & Poultry Association having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered ordering that the product be delivered to the claimant under bond, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24184. Misbranding of peanut meal. U. S. v. Eufaula Cotton Oil Co. Tried to the court. Judgment of guilty. Fine, \$25. (F. & D. no. 30305. Sample no. 17791-A.)**

This case was based on an interstate shipment of peanut meal that contained less protein than declared on the label.

On July 27, 1934, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Eufaula Cotton Oil Co., a corporation, Eufaula, Ala., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 11, 1932, from the State of Alabama into the State of Maryland, of a quantity of peanut meal that was misbranded. The article was labeled in part: "Green Tag Brand Prime Peanut Meal Guaranteed Analysis Protein, Minimum 45.00% \* \* \* Manufactured for Green-Mish Company Washington District of Columbia."

The article was alleged to be misbranded in that the statement "Guaranteed Analysis Protein, Minimum 45.00%", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it contained less than 45 percent of protein.

On February 25, 1935, the case having been submitted to the court without a jury, judgment of guilty was entered and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24185. Adulteration and misbranding of peanut meal. U. S. v. DeLeon Peanut Co. Plea of guilty. Fine, \$200. (F. & D. no. 31367. Sample no. 16972-A.)**

This case was based on an interstate shipment of peanut meal which was adulterated because of deficiency in protein and misbranded because of failure to declare the quantity of the contents.

On January 15, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the DeLeon Peanut Co., a corporation, DeLeon, Tex., alleging shipment by said company in violation of the Food and Drugs Act as amended on or about December 12, 1932, from the State of Texas into the State of Missouri, of a quantity of peanut meal which was adulterated and misbranded. The article was invoiced as 43 percent protein peanut meal.

The article was alleged to be adulterated in that a product containing less than 43 percent of protein had been substituted for 43 percent protein peanut meal, which the article purported to be.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 11, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24186. Adulteration of apples. U. S. v. Harold D. Comfort. Plea of guilty. Fine, \$1. (F. & D. no. 31386. Sample no. 15695-A.)**

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On June 28, 1934, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harold D. Comfort, Lawrence, Kans., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about September 14, 1932, from the State of Arkansas into the State of Kansas, of a quantity of apples which were adulterated.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, namely, arsenic and lead, which might have rendered it injurious to health.

On September 17, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$1.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24187. Adulteration of apples. U. S. v. Cecil Johnston. Plea of guilty. Fine, \$2. (F. & D. no. 31389. Sample nos. 15704-A, 15716-A.)**

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On June 28, 1934, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Cecil Johnston, Vinita, Okla., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about October 6 and October 18, 1934, from the State of Arkansas into the State of Oklahoma, of a quantity of apples which were adulterated.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, namely, arsenic and lead, which might have rendered it injurious to health.

On January 16, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$2.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24188. Adulteration of apples. U. S. v. Fred Gordon. Plea of guilty. Fine, \$1. (F. & D. no. 31398. Sample nos. 25356-A, 25361-A.)**

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.